

Patent

Attorney Docket No: ART-00101.P.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Guoqing Wang

Lei Wu

Xiaobo Wang

Jing Cheng

WeiPing Yang

Examiner: Lu, Frank Wei Min

Group Art Unit: 1634

Application Number: 09/648,081

Filed: August 25, 2000

For: METHODS AND COMPOSITIONS)
FOR IDENTIFYING NUCLEIC)
ACID MOLECULES USING)
NUCLEOLYTIC ACTIVITIES)
AND HYBRIDIZATION)

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AUG 30 2004

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir,

**PETITION TO WITHDRAW PATENT APPLICATION FROM ISSUE AFTER
PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**

Applicants respectfully request that U.S. Patent Application number 09/648,081 be withdrawn from issue. The issue fee for the referenced application has been paid. Applicants therefore petition for the withdrawal of U.S. Patent Application number 09/648,081 under 37 CFR 1.313(c) and enclose the fee under 37 CFR 1.17(h) so that certain publications can be properly considered by the Examiner.

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The reason for this petition is that Applicants very recently became aware of references cited by Examiner Lu in an office action for an application of the family, U.S. Patent Application number 10/355,411. The office action citing the new references was mailed August 11, 2004. The references, U.S. Patent number 6,258,146 and U.S. Patent Application Publication number 2003/0096232A1, are listed in the submission provided herewith in the form of an Information Disclosure Statement and Form 1449 (see 37 CFR §1.56). Applicants also submit herewith a Request for Continued Examination (RCE) to enable the Examiner to properly consider these references.

Applicants regret that they became aware of the new reference after the payment of the issue fee and the adherence of the Applicants to the duty to disclose under 37 CFR 1.97 and 37 CFR 1.98. Applicants petition for withdrawal of Application number 09/648,081 from issue to allow the Examiner to properly consider the references cited in the attached Information Disclosure Statement and Form 1449.

Respectfully submitted,

Date:

August 30, 2004



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PTO/SB/17 (10-03)

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FEE TRANSMITTAL
for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 515.00**Complete if Known**

Application Number	09/848,081
Filing Date	August 25, 2000
First Named Inventor	Wang
Examiner Name	Frank Lu
Art Unit	1634
Attorney Docket No.	ART-00101.P.1

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

501321

David R Preston

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$ 0.00)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$ 0.00)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130.00
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.128(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.128(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	385.00
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 515.00)**SUBMITTED BY**

Name (Print/Type) David R. Preston

Signature

Registration No.

38,710

(Attorney/Agent)

(Complete if applicable)

Telephone 858-724-0875

Date

8/30/04

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

FROM : DRPNA

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Aug. 30 2004 12:12PM P8